

PROB 12C
(7/93)

Report Date: October 19, 2011

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

OCT 20 2011

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Justin Robert Gallagher Case Number: 2:09CR00035-001

Address of Offender: Homeless, Moses Lake, WA 98837

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 1/17/2008

Original Offense: Failure to Pay Legal Child Support, 18 U.S.C. § 228(a)(3)

Original Sentence: Probation - 60 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Aine Ahmed Date Supervision Commenced: 1/19/2011

Defense Attorney: Roger Peven Date Supervision Expires: 1/18/2012

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 7/29/2011.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 5 **Standard Condition # 1:** The defendant shall not leave the judicial district without the permission of the court or probation officer.

Supporting Evidence: Justin Gallagher is considered in violation of his period of supervised release by leaving the Eastern District of Washington without prior approval.

On October 16, 2011, the defendant was arrested in the District of Montana. The defendant did not have prior approval to travel outside of the Eastern District of Washington at the time.

- 6 **Standard Condition # 9:** The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

Supporting Evidence: Justin Gallagher is considered in violation of his period of supervised release by associating with a known felon, Ivy Ramos, on or prior to October 16, 2011.

As noted above, the defendant was arrested on October 16, 2011, in the District of Montana. He was located with a female, Ivy Ramos, who was convicted in 2006, of two counts of theft

in the first degree, and in 2007, for possessing a controlled substance without a prescription, possessing stolen property in the second degree, financial fraud, and two counts of forgery. When contacted in Montana by law enforcement, she was arrested on outstanding warrants in Grant County, Washington, for two counts of assault in the first degree with a weapon and two counts of robbery in the first degree with a weapon.

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Special Condition # 22: You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Justin Gallagher is considered in violation of his period of supervised release by refusing to comply with urinalysis testing as directed by a U.S. Probation Officer on or prior to October 16, 2011.

While in custody, the defendant was contacted and asked to provide a urinalysis sample for testing. He stated he had used the restroom after being placed in lock-up. Probation officers gave the defendant some time and then requested he supply a sample. The defendant was advised a refusal would be viewed the same as a positive test. The defendant responded by saying he would test positive for marijuana, he was already in custody, and he did not believe the test would influence anything.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/19/2011

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
☐ Other



Signature of Judicial Officer



Date